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Before the
Federal Communications Commission
Washington, D.C. 20554

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In the Matter of)

Verizon Telephone Companies)

Petition for Forbearance From the)

Current Pricing Rules for the)

Unbundled Network Element Platform)

Joint Petition for Forbearance From the)

Current Pricing Rules for the)

Unbundled Network Element Platform)

WC Docket No. 03-157

WC Docket No. 03-189

ORDER

Adopted: June 22, 2004

Released: June 23, 2004

By the Senior Deputy Chief, Wireline Competition Bureau:

1. In this Order, pursuant to section 10(c) of the Communications Act of 1934, as amended (the Act),¹ we (1) extend by 90 days the date by which the petition requesting forbearance filed by the Verizon Telephone Companies (Verizon) shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under section 10(a) of the Act, and (2) extend by 90 days the date by which the petition requesting forbearance filed jointly by Qwest Corporation, BellSouth Telecommunications, Inc., and SBC Communications Inc. (collectively, Joint Petitioners) shall be deemed granted in the absence of a Commission decision that the petition fails to meet the standards for forbearance under section 10(a) of the Act.²

2. On July 1, 2003, Verizon filed a petition for expedited forbearance requesting that the Commission "forbear from its decision permitting UNE-P carriers to collect per-minute access charges from long distance carriers . . . and . . . forbear from applying its current [total element long-run incremental cost] TELRIC pricing rules to the . . . UNE platform."³ On July 31, 2003, the Joint Petitioners filed a petition for expedited forbearance seeking "exactly the same relief requested in the *Verizon Petition*."⁴ Section 10(c) of the Act states that a petition for forbearance shall be deemed granted if the Commission does not deny the petition for failure to meet the requirements for forbearance under subsection (a) within one year after the Commission receives it, unless the one-year period is extended by

¹ 47 U.S.C. § 160(c).

² See 47 U.S.C. § 160(a).

³ *Verizon Telephone Companies Petition for Forbearance From the Current Pricing Rules for the Unbundled Network Element Platform*, WC Docket No. 03-157, Petition for Expedited Forbearance of the Verizon Telephone Companies at 1 (filed July 1, 2003) (*Verizon Petition*).

⁴ *Joint Petition for Forbearance From the Current Pricing Rules for the Unbundled Network Element Platform*, WC Docket No. 03-189, Joint Petition of Qwest Corporation, BellSouth Telecommunications, Inc. and SBC Communications Inc. for Expedited Forbearance at 2 (filed July 31, 2003) (*Joint Petition*).


the Commission.⁵ The Commission may extend the initial one-year period by an additional 90 days if the Commission finds that an extension is necessary to meet the requirements of subsection 10(a).⁶

3. The petitions under review raises significant questions regarding whether forbearance from the Commission's decisions to permit UNE platform carriers to collect per-minute access charges or to apply TELRIC pricing to the UNE platform meet the statutory requirements set forth in section 10(a). The Bureau thus finds that a 90-day extension is warranted under section 10(c).

4. Accordingly, IT IS ORDERED, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the date on which the petition seeking forbearance filed by Verizon shall be deemed granted, in the absence of a Commission denial of the petition for failure to meet the statutory standards for forbearance, is extended to September 28, 2004.

5. IT IS FURTHER ORDERED, pursuant to section 10 of the Communications Act of 1934, as amended, 47 U.S.C. § 160, and authority delegated under sections 0.91 and 0.291 of the Commission's rules, 47 C.F.R. §§ 0.91, 0.291, that the date on which the petition seeking forbearance filed by the Joint Petitioners shall be deemed granted, in the absence of a Commission denial of the petition for failure to meet the statutory standards for forbearance, is extended to October 28, 2004.

FEDERAL COMMUNICATIONS COMMISSION



Jeffrey Carlisle
Senior Deputy Chief, Wireline Competition Bureau

⁵ 47 U.S.C. § 160(c).

⁶ *Id.* See, e.g., *Petition of Ameritech Corporation for Forbearance from Enforcement of Section 275(a) of the Communications Act of 1934, As Amended*, CC Docket No. 98-65, Order, 14 FCC Rcd 6415 (Com. Car. Bur. 1999).